

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

THEO BLACKSTON,

Petitioner,

v.

CIVIL ACTION NO. 5:04-1059

MARTY ANDERSON, Warden,
FCI Beckley,

Respondent.

ORDER

This action was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Court dismiss Petitioner's § 2241 Application (Document No. 1) with prejudice and remove this matter from the Court's docket. Neither party has filed objections to the Magistrate Judge's findings and recommendation.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **DISMISSES** Petitioner's § 2241 Application (Document No. 1) with prejudice and **MOVES** this matter from the Court's docket, consistent with the findings and recommendation.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge VanDervort, counsel of record, and any unrepresented parties.

ENTER: September 7, 2005



ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE